

Christopher E. Green
GreenLawFirm PS
Two Union Square Suite 4285
601 Union Street
Seattle, Washington 98101
(206) 686-4558 Fax: (206) 686-2558
WSBA No. 19410
Attorney For Claimant Mary Perkins White
Admitted Pro Hac Vice (pending)

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

)	Hearing Date: May 17, 2016
)	Hearing Time: 11:00am
)	
)	Case No.: 12-12020 (Chapter 11)
In Re: RESIDENTIAL CAPITAL, LLC, et al.)	
)	Assigned to:
)	Hon. Martin Glenn
)	Bankruptcy Judge
)	
)	

**DECLARATION OF MARY PERKINS WHITE IN SUPPORT OF OPPOSITION TO
THE OBJECTION OF THE RESCAP BORROWER CLAIM TRUST TO CLAIM
NUMBER 1296**

I swear under penalty of perjury to the following matters:

1. My name is Mary Perkins White. I am the claimant for Proof of Claim 1296 in this Court and testify under penalty of perjury to the following information:

General Background

2. I'm a 34 year resident of Washington State, I graduated from high school in June 1979 in Anchorage Alaska and attended college in Montana and Washington.

3. In 1987 I began a career in law enforcement working for the Department of Corrections. Shortly after starting at DOC I began working at the City of Kent Police

Department as a Corrections Officer for almost 20 years. While at the City of Kent I was offered a new position of Programs Coordinator, and developed a variety of programs including Electronic Home Detention, Work Release, Adult Basic Education, Religious Programs, Drug and Alcohol Treatment, Community Service, and a Trustee work program for offenders. Additionally, I managed over 200 volunteers at the corrections facility.

4. While working in corrections I also volunteered my time working in the community as a Reserve Police Officer for the Des Moines Police Department for three years.

5. In 2006 I separated from the City of Kent after an injury at work which necessitated back surgery preventing me from returning to my employment.

Loan and Refinancing

6. In 2006 I secured a HELOC through United Pacific Mortgage on my residence anticipating a career transition.

7. On August 28, 2008, the company servicing my HELOC loan, Homecomings, stated the loan was frozen because of market wide decline in real estate values.

8. As a result of this and the uncertainty in the economy I decided to have the loan modified to an installment loan to lower my payments.

9. In early 2009 after learning of a new program, to assist homeowners lower payments I applied for a refinance with GMAC.

10. On July 14, 2009 GMAC mailed the modification agreement document for signature. I signed and notarized the installment note that purported to replace the HELOC and had monthly payments at a fixed rate, along with the down payment.

11. I sent the original note with my signature and kept a copy for my records. I made the payments as instructed on the loan.

12. On about October 23, 2009 I was told the loan servicing then transferred to Green Tree.

Claim Information

13. On August 27, 2009, I contacted a representative of GMAC by phone and talked with its representative "Raj" who assured me it was a "system generated a default letter in error, keep making payments as instructed on the loan modification" and he confirmed that the loan modification paperwork was received and was being entered into the system.

14. On August 21 and September 21 2009 I received a default letter from GMAC demanding payment of \$4427.34 "owed" since July and threatening to begin foreclosure.

15. This frightened me a great deal as I was a single person living on disability during a very uncertain time for the economy and I rely on my home as my primary asset (by far) for retirement and a dwelling. My parents (since passed) were on a fixed income and I was the only person who could support me. My adult son no longer lived in Washington State.

16. On October 15, 2009, and November 19, 2009, I received notice from Bank of America #1259, and Citibank #9199 that adverse action was being taken on my credit cards due to a "serious delinquency" found reported by GMAC on my Equifax credit report.

17. On December 8, 2009 I filed an online dispute with Transunion in which GMAC reports me over 90 days past due, with \$5856.00 owing on the old loan.

18. On December 09, 2009 I filed disputes via certified letter with Experian, Transunion and GMAC.

19. On December 12, 2009, I received dispute response notification in a letter from Experian that GMAC had re-verified the 90-day late payment status. On December 30, 2009 Transunion dispute results confirmed that GMAC also re-verified 90 days late.

20. On December 24, 2009, I received a response in a letter from GMAC stating that they are unable to make corrections to the credit report unless it was done by mistake. GMAC did not correct the delinquent reporting to Experian, Equifax or Transunion.

21. On January 1, 2010, Transunion sent me a letter with results of investigation showing GMAC reporting me 90 days late. No corrections were made.

22. On January 12, 2010, I filed another dispute was filed by phone with Transunion.

23. On February 3, 2010, dispute results from Transunion state that GMAC confirmed 90 days late, and Green Tree now reporting 30 days past due in error.

24. On May 10, 2010, an online dispute was filed with Transunion which was showing 90 days late, and Experian and Equifax now reporting GMAC 90-120 days late.

25. On June 5, 2010, I received dispute results from Transunion showing GMAC reporting me 90 days late making my payment.

26. On October 2, 2010, disputes were filed with Transunion, Equifax and Experian still showing GMAC 90 days late.

27. On October 8th 2010, Equifax returned the dispute results as 90-119 days late.

28. On October 29th, 2010, Transunion dispute results now show GMAC as a "charge off".

29. On November 17th, 2010, a dispute was sent certified mail to Transunion including copies of the GMAC loan modification and proof of all payments made on time.

30. On December 2, 2010, Transunion credit report still shows “charge off” with GMAC.

31. On December 7th, 2010, when applying for a home loan, the Innovis credit report shows “serious delinquencies” reported by Transunion, Equifax, and Experian, with GMAC reporting a charge off through February 2011.

32. On December 13, 2010, a dispute was filed with Transunion and Equifax, they report back that GMAC is reporting a “charge off”, and 90-119 days past due.

Lawsuit Filed Against GMAC

33. On June 8, 2011, I filed suit in US District Court for the Western District of Washington 3:11-cv-05439 White v. GMAC Mortgage, LLC et al.

34. On June 27, 2011, GMAC was served with the suit through its registered agent in Olympia, Washington.

35. I believed the suit would finally solve the false information reported by GMAC and Green Tree

36. However, on my September 29, 2011 Experian credit report GMAC misidentifies my home loan as a home equity line of credit (HELOC herein) and that my high balance was \$200,000.00. I do not believe my high balance exceeded \$160,000.00 and my loan is an installment loan as opposed to a HELOC. On the same report Green Tree also identifies the loan as a HELOC and mis-states that my credit balance was \$200,000.00. Moreover, Green Tree states that the credit was suspended. This is not true.

37. On my September 29, 2011 Trans Union credit report, Green Tree misreports the loan as a HELOC and states that I had been 60 days delinquent within the previous 10 months and that my high balance was \$200,000.00. I have never been 60 days late and again

the loan is an installment loan and not a HELOC. On the same report GMAC also misreports that the loan was a HELOC with a high balance of \$200,000.00. It also states that the last payment I made was on June 17, 2009.

38. On my September 29, 2011 Equifax credit report GMAC misreports the loan as a HELOC, with a 200k limit, and states that the last activity was in August 2009 and the last payment was in June 2009. Green Tree misreported the loan as a HELOC with a \$200,000.00 high balance.

39. On my December 13, 2011 Experian Credit report GMAC continued to misidentify the loan as HELOC with a credit limit of 200k, and Green Tree misreported that the high balance was \$200,000, that it was HELOC and that the credit line had been suspended.

40. On my December 20, 2011 Equifax credit report GMAC misreports the loan as a HELOC with a credit limit of 200k and appears to report the last payment was made in June 2009 and the last activity was in August 2009. Green Tree also reports the loan as a HELOC with a high limit of \$200,000.00.

41. On my December 22, 2011 Equifax credit report Green Tree continued to report the loan as a HELOC with a \$200,000.00 high balance. GMAC reported the loan as a HELOC with a \$200,000.00 credit limit with a high balance of \$155,000.00; last activity was 08/09; last payment made 06/09.

42. On my February 1, 2012 Experian credit report Green Tree continued to report the credit limit and high balance of \$200,000.00 and that the credit limit had been suspended. GMAC misidentified the loan as a HELOC with a \$200,000.00 credit limit.

43. On February 8, 2012, Equifax informed me that GMAC and Green Tree had verified the reporting as accurate. I believe Green Tree verified the reporting based on what GMAC told them as the representative I talked to at Green Tree told me the information they had on the account came from GMAC. Attached hereto as Exhibit 1 is a true and correct copy of the February 8, 2012 letter from Equifax with a redacted page from the report.

44. In my February 08, 2012 Equifax credit report, GMAC started listing me as 119 past due on the account. I am current on my payments but it says that that the last activity was in August 2009 but my last payment was in June 2009. It also states, "we have researched the account, the creditor has verified the credit high limit, additional information has been provided from the original source regarding this item." Green Tree was still referring to the loan as a HELOC with a high balance of \$200,000.00, and a credit limit of \$200,000.00.

45. While attempting to get the errors corrected I began seeing in the news information on wrongful foreclosures on homeowners.

46. I was terrified that GMAC and Greentree's threat to foreclose on my home would be realized before I could get the late pay error corrected by the servicer. Letters promising foreclosure as well as collections calls continued weekly despite efforts to get the error corrected and being in regular contact with both GMAC and Greentree. This caused great distress on a daily basis for me.

47. I learned based on my conversations by phone, with a representative of Green Tree named Charles Wallace that Green Tree obtained the false information it was reporting about me from GMAC.

48. The problems seemed to only get worse even though I had hired an attorney and brought a lawsuit. The erroneous entries on my credit report continued and remarkably alternated from one derogatory entry to another despite filing a lawsuit.

49. If the Court wishes or requires me to provide further testimony on the matters discussed, I am ready, willing and able to provide such testimony at a convenient time and place. I have been looking forward to this for a long time.

Damages

50. During the time this was reported I suffered: headaches, sleeplessness, anxiety, humiliation when applying for credit, irritability, and I feared answering the phone or opening email and mail. I withdrew socially from friends, and had trouble explaining why I was unable to buy a house at the time. I socialized far less as a result of depression.

51. When my father became seriously ill I was unable to afford a trip to New York to be with him since my credit had been limited as a result of the derogatory credit reporting. I had no available credit. The time I spent attempting to correct these errors was upwards of several hundred hours over a 3-year period. This affected my personal life, my health and my relationships. Time spent attempting to get the errors corrected could have been spent working or with my family and loved ones.

52. It was demoralizing to be treated as a deadbeat by collectors and loan servicers as a person who was delinquent paying their house payment approaching foreclosure. I had terrible dreams of my house being taken from me and having to live on the streets.

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53. I provided information showing how long this happened and that is was false information that was an integral part of my life for over three years.

54. Attached hereto as Exhibit A is a true and correct copy of a portion of the mortgage modification provided to me in July 2009.

55. Attached hereto as Exhibit B is a true and correct copy of a portion of my Trans Union report provided to me in December 2009.

56. Attached hereto as Exhibit C is a true and correct copy of a portion of my Equifax report dated October 2010.

57. Attached hereto as Exhibit D is a true and correct copy of a portion of my Equifax report dated October 2010.

58. Attached hereto as Exhibit E is a true and correct copy of a portion of my Trans Union report dated October 2010.

59. Attached hereto as Exhibit F is a true and correct copy of a Consumer Dispute Verification Equifax produced in discovery that it claimed was sent to GMAC Mortgage in October 2010.

60. Attached hereto as Exhibit G is a true and correct copy of a letter from PEMCO I received in November 2010.

61. Attached hereto as Exhibit H is a true and correct copy of a portion of my credit report provided to me in December 2010.

62. Attached hereto as Exhibit I is a true and correct copy of a portion of my Equifax credit report provided to me in December 2010.

63. Attached hereto as Exhibit J is a true and correct copy of a portion of my Trans Union credit report provided to me in about March 2011.

64. Attached hereto as Exhibit K is a true and correct copy of a portion of my Trans Union credit report provided to me in September 2011.

65. Attached hereto as Exhibit L is a true and correct copy of a letter I sent to Equifax in December 2011.

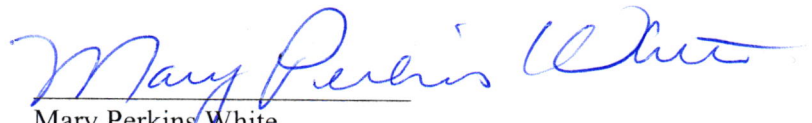
66. Attached hereto as Exhibit M is a true and correct copy of a portion of my Equifax credit report provided to me in December 2011.

67. Attached hereto as Exhibit N is a true and correct copy of results of investigation with a portion of my Equifax credit report provided to me in February 2012.

68. On December 29, 2011, PEMCO sent me a letter informing me of adverse action taken on my home and auto insurance based on my Equifax credit report stating it was due to the number of accounts "currently, or in the past delinquent" and instructs me to dispute credit report errors with Equifax, and once the errors are removed PEMCO will adjust the premiums.

69. The reduction in credit limits negatively affected my debt to credit ratio. As a result of the loss of previously available credit, I was forced to sell personal belongings to meet financial obligations and manage unexpected expenses as they arose.

DATED this 20th day of April 2016 at Gig Harbor (city).


Mary Perkins White
Claimant, Proof of Claim 1296